

SENATE BILL 843

P2

0lr2751

By: **Senator Kittleman**

Introduced and read first time: February 11, 2010

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rate – Public School Construction – Moratorium**

3 FOR the purpose of placing a moratorium for a certain period of time on the
4 application of the prevailing wage rate law to the construction of certain schools
5 by or for certain public bodies in the State; and generally relating to the
6 prevailing wage rate for certain public works contracts for school construction.

7 BY repealing and reenacting, without amendments,
8 Article – State Finance and Procurement
9 Section 17–201(a), (d), (h), and (i), 17–210(a) and (c), and 17–214
10 Annotated Code of Maryland
11 (2009 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 17–201(j)
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – State Finance and Procurement**

20 17–201.

21 (a) In this subtitle, unless the context indicates otherwise, the following
22 words have the meanings indicated.

23 (d) “Construction” includes all:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) building;
- 2 (2) reconstructing;
- 3 (3) improving;
- 4 (4) enlarging;
- 5 (5) painting and decorating;
- 6 (6) altering;
- 7 (7) maintaining; and
- 8 (8) repairing.

9 (h) "Prevailing wage rate" means the hourly rate of wages paid in the locality
10 as determined by the Commissioner under § 17–208 of this subtitle.

11 (i) (1) "Public body" means:

12 (i) the State;

13 (ii) except as provided in paragraph (2)(i) of this subsection, a
14 unit of the State government or instrumentality of the State;

15 (iii) any political subdivision, agency, person, or entity with
16 respect to the construction of any public work for which 50% or more of the money
17 used for construction is State money; and

18 (iv) notwithstanding paragraph (2)(ii) of this subsection, a
19 political subdivision if its governing body:

20 1. provides by ordinance or resolution that the political
21 subdivision is covered by this subtitle; and

22 2. gives written notice of that ordinance or resolution to
23 the Commissioner.

24 (2) "Public body" does not include:

25 (i) a unit of the State government or instrumentality of the
26 State funded wholly from a source other than the State; or

27 (ii) any political subdivision, agency, person, or entity with
28 respect to the construction of any public work for which less than 50% of the money
29 used for construction is State money.

1 (j) (1) Subject to paragraph (2) of this subsection, “public work” means a
2 structure or work, including a bridge, building, ditch, road, alley, waterwork, or
3 sewage disposal plant, that:

4 (i) is constructed for public use or benefit; or

5 (ii) is paid for wholly or partly by public money.

6 (2) “Public work” does not include[.]:

7 (I) unless let to contract, a structure or work whose
8 construction is performed by a public service company under order of the Public
9 Service Commission or other public authority regardless of:

10 [(i)] 1. public supervision or direction; or

11 [(ii)] 2. payment wholly or partly from public money; OR

12 (II) AN ELEMENTARY OR SECONDARY SCHOOL BY OR FOR A
13 PUBLIC BODY, THE CONSTRUCTION OF WHICH BEGINS ON OR AFTER JULY 1,
14 2010, AND BEFORE THE END OF JUNE 30, 2012.

15 17–210.

16 (a) Before a public body advertises for bids or proposals for a public work
17 contract, it shall request the Commissioner to determine the prevailing wage rate for
18 each classification of worker required to perform the public work contract.

19 (c) After a determination has been made, the public body shall include each
20 prevailing wage rate for straight time and overtime:

21 (1) in any call for bids or proposals;

22 (2) in the specifications for the public work contract; and

23 (3) in the public work contract.

24 17–214.

25 (a) Except as provided in subsection (b) of this section, each contractor and
26 subcontractor under a public work contract shall pay not less than the prevailing wage
27 rate of straight time to an employee for each hour that the employee works.

28 (b) A contractor and subcontractor shall pay an employee the prevailing
29 wage rate of overtime for each hour that the employee works:

30 (1) in excess of 10 hours in any single calendar day;

1 (2) in excess of 40 hours per each workweek; or

2 (3) on Sunday or a legal holiday.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2010.